

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Patent Application**

I hereby certify that this transmittal of the below described documents is being deposited with the United States Postal Service in an envelope bearing Express Mail Postage and an Express Mail label, with the below serial number, addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the below date of deposit.

Express Mail Label No.:	EL996556239US	Name of Person Making the Deposit:	Anthony Chou
Date of Deposit:	10/28/03	Signature of the Person Making the Deposit:	

Inventor(s): Timothy THURGATE and Nga-Ching (Alan) WONG

Title: METHOD FOR FORMING A DIELECTRIC SPACER IN A NON-VOLATILE MEMORY DEVICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

Transmittal of a Patent Application
(Under 37 CFR §1.53)

Transmitted herewith is the above identified patent application, including:

- Specification, claims and abstract, totaling 12 pages.
- Formal drawings, totaling pages.
- Informal drawings, totaling 13 pages.
- Declaration and Power of Attorney.
- Information Disclosure statement.
- Form 1449
- Assignment(s)
- Assignment Recordation Form (duplicate)
- Request and Certification under 35 U.S.C. 122(b)(2)(B)(i)
- Other:

Amendments, Priority Claim

35 U.S.C. 119

Priority of application Serial Number filed on in is claimed under
35 U.S.C. 119.

The certified copy has been filed in prior U.S. application Serial No.

in

The certified copy will follow.

35 U.S.C. 120, 121 and 365(c)

"This application is a continuation of and claims the benefit of copending application(s)

application number filed on
 International Application filed on

and which designated in the U.S."

Amend this specification by inserting, before the first line, the following sentence:

"This application claims priority to the copending application(s)

Serial Number filed on

which is hereby incorporated by reference to this specification

International Application filed on

which designated the U.S."

FEES DUE

The fees due for filing the specification pursuant to 37 C.F.R. § 1.16 and for recording of the Assignment, if any, are determined as follows:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEES
Basic Application Fee					\$ 770.00
Total Claims	26	Minus 20=	6	X \$18=	\$ 108.00
Independent Claims	3	Minus 3=	0	X \$86=	\$ 0.00
If multiple dependent claims are presented, add \$260.00					\$ 0.00
Add Assignment Recording Fee of \$40.00 If Assignment document is enclosed					\$ 40.00
TOTAL APPLICATION FEE DUE					\$ 918.00

PAYMENT OF FEES

The full fee due in connection with this communication is provided as follows:

1. Not enclosed

[] No filing fee is to be paid at this time.

2. Enclosed

[X] Filing fee

[X] Recording assignment

[] Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached

[] For processing an application with specification in a non-English language

[] Processing and retention fee

- Fee for international-type search report
- The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085. A duplicate copy of this authorization is enclosed.
- A check in the amount of \$918.00
- Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

This application is filed pursuant to 37 C.F.R. § 1.53 in the name of the above-identified Inventor(s).

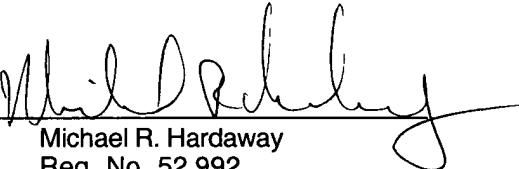
Please direct all correspondence concerning the above-identified application to the following address:

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060

- This transmittal ends with this page.

Respectfully submitted,

Date: October 28, 2003

By: 
Michael R. Hardaway
Reg. No. 52,992

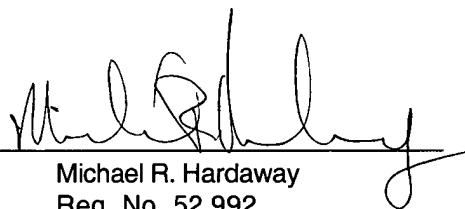
Inventor(s): Timothy THURGATE and Nga-Ching (Alan) WONG

Title: METHOD FOR FORMING A DIELECTRIC SPACER IN A NON-VOLATILE
MEMORY DEVICE

**REQUEST AND CERTIFICATION
UNDER 35 U.S.C. 122(b)(2)(B)(i)**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Date: October 28, 2003

By: 
Michael R. Hardaway
Reg. No. 52,992

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**